

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

---

FIFTY-NINTH LEGISLATIVE DAY  
WEDNESDAY, MARCH 11, 2009

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Andreason, Coiner, and Stegner, and Acting Senator Thorson, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Kaytlin Schrader, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 10, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Andreason was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 11, 2009

The JUDICIARY AND RULES Committee reports that [S 1144](#), [S 1145](#), [S 1146](#), and [SJM 101](#) have been correctly printed.

DARRINGTON, Chairman

[S 1144](#) was referred to the Local Government and Taxation Committee.

[S 1145](#) was referred to the State Affairs Committee.

[S 1146](#) was referred to the Health and Welfare Committee.

[SJM 101](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 10, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1052](#) was delivered to the Office of the Governor at 1:55 p.m., March 10, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 10, 2009

The TRANSPORTATION Committee reports out [S 1089](#), [S 1130](#), and [S 1134](#) with the recommendation that they do pass.

MCGEE, Chairman

[S 1089](#), [S 1130](#), and [S 1134](#) were filed for second reading.

Senator Coiner was recorded present at this order of business.

March 10, 2009

The HEALTH AND WELFARE Committee reports out [H 55](#) with the recommendation that it do pass.

LODGE, Chairman

[H 55](#) was filed for second reading.

March 10, 2009

The HEALTH AND WELFARE Committee reports out [H 38](#) and [H 44](#) with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

LODGE, Chairman

[H 38](#) and [H 44](#) were filed for second reading.

March 10, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 76](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, [H 76](#) was referred to the Fourteenth Order of Business, General Calendar.

March 10, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 88](#), [H 89](#), [H 90](#), [H 91](#), [H 92](#), and [H 109](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 88](#), [H 89](#), [H 90](#), [H 91](#), [H 92](#), and [H 109](#) were filed for second reading.

March 10, 2009

The EDUCATION Committee reports out [H 193](#) with the recommendation that it do pass.

GOEDDE, Chairman

[H 193](#) was filed for second reading.

Acting Senator Thorson was recorded present at this order of business.

March 11, 2009

The STATE AFFAIRS Committee reports out [HCR 21](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[HCR 21](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 10, 2009

The STATE AFFAIRS Committee reports out [H 14](#), as amended, with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [H 14](#), as amended, was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### **Messages from the Governor**

March 10, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Vince Alberdi of Kimberly, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing March 3, 2009, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

#### **Messages from the House**

March 10, 2009

Dear Mr. President:

I transmit herewith [H 147](#), [H 115](#), [H 159](#), [H 187](#), [H 146](#), as amended, [H 145](#), as amended, and [H 157](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[H 147](#), [H 115](#), [H 159](#), [H 187](#), [H 146](#), as amended, [H 145](#), as amended, and [H 157](#), as amended, were filed for first reading.

March 10, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 64](#), as amended in the Senate, as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 64](#), as amended in the Senate, as amended in the Senate, and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

#### **Motions and Resolutions**

The President Pro Tempore announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Tom Stroschein was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Hammond, seconded by Senator LeFavour, the Gubernatorial appointment of Tom Stroschein as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Daniel Fuchs was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Coiner, seconded by Senator LeFavour, the Gubernatorial appointment of Daniel Fuchs as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of

the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Janet Penfold was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Bock, the Gubernatorial appointment of Janet Penfold as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1147  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO CONTRACTS FOR DESIGN-BUILD HIGHWAY PROJECTS; AMENDING SECTION 40-105, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 40-113, IDAHO CODE, TO DEFINE A TERM; AND AMENDING CHAPTER 9, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-904, IDAHO CODE, TO PROVIDE PROCEDURES FOR AWARDED DESIGN-BUILD CONTRACTS FOR CERTAIN HIGHWAY PROJECTS, TO PROVIDE FOR RULES, TO PROVIDE THAT THE DEPARTMENT SHALL NOT ENTER INTO ANY DESIGN-BUILD CONTRACTS PRIOR TO PROMULGATION OF RULES, TO PROVIDE FOR CERTAIN LIMITS RELATING TO THE USE OF DESIGN-BUILD CONTRACTS, AND TO PROVIDE THAT A PERCENTAGE OF EACH CONTRACT BE PERFORMED BY THE DESIGN-BUILD FIRM AWARDED THE CONTRACT.

**S 1148  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO ALCOHOL; AMENDING SECTION 23-217, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO CERTAIN DISCOUNTS; AMENDING SECTION 23-603, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN ADMINISTRATIVE ACTIONS UPON CONVICTION FOR DISPENSING ALCOHOL TO PERSONS UNDER TWENTY-ONE YEARS OF AGE AND TO DEFINE A TERM; AMENDING SECTION 23-604, IDAHO CODE, TO PROHIBIT CERTAIN CONDUCT RELATING TO PERSONS UNDER TWENTY-ONE YEARS OF AGE, TO PROVIDE EXCEPTIONS AND TO DEFINE A TERM; AMENDING SECTION 23-605, IDAHO CODE, TO PROVIDE THAT DISPENSING ALCOHOL TO AN OBVIOUSLY INTOXICATED PERSON SHALL BE A MISDEMEANOR, TO PROVIDE PENALTIES, TO PROVIDE FOR DEPOSIT OF FINES, TO PROVIDE FOR NOTIFICATION, TO PROVIDE FOR CERTAIN ADMINISTRATIVE ACTION AND TO

DEFINE A TERM; AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-617, IDAHO CODE, TO PROVIDE ADMINISTRATIVE PENALTIES FOR SPECIFIED VIOLATIONS, TO PROVIDE FOR THE PAYMENT AND DISTRIBUTION OF FINES AND TO DEFINE A TERM; AMENDING SECTION 23-901, IDAHO CODE, TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS AND CITY COUNCILS TO GRANT LICENSES FOR LIQUOR BY THE DRINK TO CERTAIN QUALIFIED PERSONS IN ACCORDANCE WITH CERTAIN LAWS, RULES AND ORDINANCES AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 23-902, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; REPEALING SECTIONS 23-903, 23-903a, 23-903b, 23-904, 23-905, 23-906, 23-907 AND 23-908, IDAHO CODE, RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-903, IDAHO CODE, TO PROVIDE CERTAIN RESTRICTIONS RELATING TO ALCOHOLIC BEVERAGES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-904, IDAHO CODE, TO PROVIDE "GRANDFATHER RIGHTS" AND TO PROVIDE THAT CERTAIN LICENSES ARE TRANSFERABLE AND CERTAIN LICENSES ARE NOT TRANSFERABLE; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-905, IDAHO CODE, TO AUTHORIZE COUNTIES AND CITIES TO ISSUE CERTAIN MUNICIPAL LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-906, IDAHO CODE, TO PROVIDE CONDITIONS UNDER WHICH MUNICIPAL LICENSES MAY NOT BE ISSUED AND TO PROVIDE A PROCEDURE FOR A REFERENDUM RELATING TO THE AUTHORITY OF A GOVERNING BODY TO ISSUE MUNICIPAL LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-907, IDAHO CODE, TO PROVIDE FOR THE FORM OF BALLOT; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-908, IDAHO CODE, TO PROVIDE FOR THE EFFECT OF AN ELECTION AND TO PROVIDE THAT CERTAIN SALES SHALL NOT BE AFFECTED; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-909, IDAHO CODE, TO PROVIDE FOR SUBSEQUENT ELECTIONS; REPEALING SECTIONS 23-910, 23-911, 23-912, 23-913, 23-914, 23-915, 23-916, 23-917, 23-918, 23-919, 23-920 AND 23-921, IDAHO CODE, RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-910, IDAHO CODE, TO PROVIDE FOR APPLICATIONS FOR MUNICIPAL LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-911, IDAHO CODE, TO PROVIDE FOR THE INVESTIGATION OF APPLICATIONS, TO PROVIDE THAT FALSE STATEMENTS SHALL CONSTITUTE A FELONY AND TO PROVIDE A PENALTY; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-912, IDAHO CODE, TO PROVIDE FOR RULES AND REGULATIONS, TO PROVIDE FOR ADDITIONAL AUTHORITY AND DUTIES OF THE ADMINISTRATOR, TO PROVIDE FOR THE POWERS OF LICENSING AUTHORITIES OF COUNTIES AND CITIES AND TO PROVIDE THAT LICENSEES SHALL ADVISE THEMSELVES OF THE RULES AND REGULATIONS;

AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-913, IDAHO CODE, TO PROVIDE FOR FEES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-914, IDAHO CODE, TO PROVIDE FOR THE DISPOSITION OF FUNDS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-915, IDAHO CODE, TO PROHIBIT THE ISSUANCE OR TRANSFER OF CERTAIN LICENSES TO SPECIFIED PERSONS AND TO PROVIDE FOR THE REVOCATION OF CERTAIN LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-916, IDAHO CODE, TO PROVIDE LOCATION AND DISTANCE PROVISIONS RELATING TO THE LOCATION OF PREMISES BEING ISSUED OR TRANSFERRED A LICENSE AND TO PROVIDE EXCEPTIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-917, IDAHO CODE, TO PROHIBIT SPECIFIED PERSONS AND ENTITIES FROM PROVIDING EQUIPMENT, FIXTURES OR OTHERWISE FURNISHING FINANCIAL AID TO ONE ENGAGED IN THE SALE OF LIQUOR AND TO PROHIBIT LICENSEES FROM RECEIVING SUCH EQUIPMENT, FIXTURES OR FINANCIAL AID; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-918, IDAHO CODE, TO PROVIDE CERTAIN RESTRICTIONS FOR PERSONS INTERESTED IN THE PREMISES, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR THE APPLICABILITY OF RULES, REGULATIONS AND LAW, TO PROVIDE THAT CERTAIN PERSONS SHALL NOT BE DISQUALIFIED FROM HOLDING CERTAIN LICENSES AND TO CLARIFY THAT LICENSES FOR THE RETAIL SALE OF LIQUOR BY THE DRINK MUST BE OBTAINED THROUGH NORMAL MEANS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-919, IDAHO CODE, TO PROVIDE FOR THE FORM AND DISPLAY OF MUNICIPAL LICENSES, TO PROHIBIT CERTAIN TRANSFERS, TO PROVIDE THAT MUNICIPAL AND STATE LIQUOR LICENSES ARE SEPARATE AND DISTINCT, TO RESTRICT THE EXERCISE OF PRIVILEGES UNDER A LICENSE TO THE NAMED LICENSEE, TO PROVIDE FOR EXPIRATION AND RENEWAL, TO PROVIDE FOR TRANSFERS OF STATE LIQUOR LICENSES, TO PROVIDE FOR FEES AND TO PROVIDE EXCEPTIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-920, IDAHO CODE, TO PROVIDE RESTRICTIONS ON THE TRANSFER OF STATE LIQUOR LICENSES AND TO PROVIDE THAT CERTAIN LICENSES SHALL BE SUBJECT TO LEVY AND DISTRIBUTE; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-921, IDAHO CODE, TO PROVIDE FOR SUSPENSION, REVOCATION AND REFUSAL TO RENEW LICENSES, TO PROVIDE FOR PETITIONS REQUESTING MONETARY PAYMENT IN LIEU OF SUSPENSION, TO PROVIDE FOR GUIDELINES AND RULES RELATING TO PERIODS OF SUSPENSION AND MONETARY PAYMENTS IN LIEU OF SUSPENSION, TO PROVIDE FOR ADDITIONAL SUSPENSIONS AND TO PROVIDE FOR THE RENEWAL OF CERTAIN LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-921A, IDAHO CODE, TO PROVIDE FOR LICENSE SUSPENSION OR REVOCATION UPON CONVICTION FOR VIOLATION OF OBSCENITY LAWS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION

23-922, IDAHO CODE, TO PROVIDE THAT THE SALE OF LIQUOR WITHOUT A LICENSE IS A FELONY AND TO PROVIDE A PENALTY; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-923, IDAHO CODE, TO PROVIDE THAT CERTAIN LIQUOR SOLD BY LICENSEES SHALL BE PURCHASED FROM THE STATE LIQUOR DIVISION, TO PROVIDE FOR SALES BY THE STATE LIQUOR DIVISION TO LICENSEES AND TO DEFINE A TERM; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-924, IDAHO CODE, TO PROVIDE FOR THE EXAMINATION AND INSPECTION OF PREMISES BY OFFICERS AND TO PROVIDE FOR NOTICE OF VIOLATION; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-925, IDAHO CODE, TO PROVIDE THAT LICENSEES HAVING ILLEGAL LIQUOR ON PREMISES SHALL BE GUILTY OF A FELONY, TO PROVIDE PENALTIES, TO PROVIDE FOR LICENSE REVOCATION, TO PROVIDE FOR A DETERMINATION OF THE AMOUNT OF LIQUOR TO BE SOLD TO LICENSEES, TO PROVIDE FOR THE SEIZURE OF ILLEGAL LIQUOR AND TO PROVIDE AN EXCEPTION; REPEALING SECTIONS 23-926, 23-927 AND 23-928, IDAHO CODE, RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-926, IDAHO CODE, TO PROVIDE FOR THE POSTING OF AGE RESTRICTION SIGNS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-927, IDAHO CODE, TO PROHIBIT DISPENSING LIQUOR OFF PREMISES, TO PROVIDE EXCEPTIONS, TO PROHIBIT GAMING ON PREMISES AND TO PROVIDE AN EXCEPTION; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-928, IDAHO CODE, TO PROVIDE FOR ALCOHOL BEVERAGE CATERING PERMITS AND APPLICATIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-929, IDAHO CODE, TO PROVIDE A PROCEDURE FOR CITIES AND COUNTIES UPON THE FILING OF AN APPLICATION FOR AN ALCOHOL BEVERAGE CATERING PERMIT, TO PROVIDE FOR APPROVAL OR DISAPPROVAL, TO PROVIDE THAT COPIES SHALL BE SENT OR RETAINED BY SPECIFIED PERSONS AND TO PROVIDE THAT CERTAIN DOCUMENTS SHALL CONSTITUTE PERMITS; REPEALING SECTIONS 23-930, 23-931, 23-932, 23-933, 23-933A, 23-933B, 23-934, 23-934A, 23-934B, 23-934C, 23-935, 23-936, 23-937, 23-938, 23-939, 23-940, 23-941, 23-942, 23-943, 23-943A, 23-944, 23-945, 23-946, 23-947, 23-948, 23-949, 23-950, 23-951, 23-952, 23-953, 23-954, 23-955, 23-956 AND 23-957, IDAHO CODE, RELATING TO THE RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-930, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF CERTAIN REGULATORY AND PENALTY PROVISIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-931, IDAHO CODE, TO PROVIDE FOR THE DESTRUCTION OF STAMPS, TO PROVIDE SANITARY REQUIREMENTS AND TO PROVIDE THAT A VIOLATION SHALL CONSTITUTE A MISDEMEANOR; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-932, IDAHO CODE, TO PROHIBIT THE SALE OF LIQUOR ON CERTAIN DAYS AND AT CERTAIN TIMES, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR

THE CONSUMPTION OF LIQUOR ALREADY SERVED, TO PROVIDE THAT SPECIFIED CONDUCT RELATING TO ALCOHOLIC BEVERAGE CONSUMPTION SHALL CONSTITUTE A MISDEMEANOR, TO SET FORTH DUTIES RELATING TO LOCKING UNSEALED CONTAINERS OF LIQUOR AND TO PROVIDE THAT A VIOLATION SHALL CONSTITUTE A MISDEMEANOR; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-933, IDAHO CODE, TO PROVIDE FOR THE DUTY OF PUBLIC OFFICERS; AMENDING SECTION 23-1001, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 23-1003, IDAHO CODE, TO DELETE UNNECESSARY VERBIAGE AND TO REVISE TERMINOLOGY; AMENDING SECTION 23-1005A, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-1006, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 23-1007, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE CODE REFERENCES; AMENDING SECTIONS 23-1007A, IDAHO CODE, TO DELETE REFERENCE TO THE DIRECTOR OF THE IDAHO STATE POLICE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-1009, IDAHO CODE, TO DELETE REFERENCE TO THE DIRECTOR OF THE IDAHO STATE POLICE AND TO REVISE TERMINOLOGY; AMENDING SECTION 23-1010, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-1011, IDAHO CODE, TO DELETE REFERENCE TO THE DIRECTOR OF THE IDAHO STATE POLICE AND TO REVISE TERMINOLOGY; AMENDING SECTION 23-1014, IDAHO CODE, TO REVISE LICENSE FEE PROVISIONS AND TO PROVIDE LICENSE FEES FOR CERTAIN PREMISES RETAILING BEER; AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1014A, IDAHO CODE, TO PROVIDE FOR THE DISPOSITION OF FUNDS; REPEALING SECTIONS 23-1020 AND 23-1022, IDAHO CODE, RELATING TO PROVISIONS GOVERNING THE SALE OF BEER; AMENDING SECTIONS 23-1027 AND 23-1029, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 23-1033, IDAHO CODE, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-1035, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 23-1037, IDAHO CODE, TO PROVIDE FOR GUIDELINES AND RULES RELATING TO PERIODS OF SUSPENSION AND MONETARY PAYMENTS IN LIEU OF SUSPENSION AND TO REVISE TERMINOLOGY; AMENDING SECTION 23-1037A, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-1038, IDAHO CODE, TO PROVIDE FOR SUSPENSION, REVOCATION AND REFUSAL TO RENEW LICENSES, TO PROVIDE FOR PETITIONS REQUESTING MONETARY PAYMENT IN LIEU OF SUSPENSION, TO PROVIDE FOR ADDITIONAL SUSPENSIONS, TO PROVIDE FOR GUIDELINES AND RULES RELATING TO PERIODS OF SUSPENSION AND MONETARY PAYMENTS IN LIEU OF SUSPENSION, TO PROVIDE FOR THE RENEWAL OF CERTAIN LICENSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTIONS 23-1042 AND 23-1044, IDAHO CODE, TO REVISE TERMINOLOGY; REPEALING SECTION 23-1046, IDAHO CODE, RELATING TO PROVISIONS GOVERNING THE SALE OF BEER; AMENDING SECTION 23-1052, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING TITLE 23, IDAHO

CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 23, IDAHO CODE, TO PROVIDE FOR CLERK AND SERVER TRAINING, TO DEFINE TERMS, TO PROVIDE FOR APPROVED TRAINING, TO PROVIDE FOR MANDATORY TRAINING FOR ON-PREMISES SALES, TO PROVIDE FOR VOLUNTARY TRAINING FOR OFF-PREMISES SALES AND TO PROVIDE FOR ENFORCEMENT; AMENDING SECTION 23-1303, IDAHO CODE, TO DEFINE TERMS AND TO REVISE DEFINITIONS; AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1304A, IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF CERTAIN RESOLUTIONS AND ELECTIONS AND TO CLARIFY EFFECTIVENESS OF CERTAIN RESOLUTIONS AND ELECTION RESULTS; AMENDING SECTIONS 23-1306, 23-1307, 23-1308, 23-1308A, 23-1309A AND 23-1314, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1315A, IDAHO CODE, TO PROVIDE FOR THE DISPOSITION OF FUNDS; AMENDING SECTION 23-1316, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-1317, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTIONS 23-1327 AND 23-1329, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 23-1330, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-1331, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE THAT CERTAIN MANUFACTURING AND BOTTLING FUNCTIONS OF WINERIES SHALL NOT BE SUBJECT TO SUSPENSION, REVOCATION OR NONRENEWAL OF LICENSES AND TO PROVIDE FOR GUIDELINES AND RULES RELATING TO PERIODS OF SUSPENSION AND MONETARY PAYMENT IN LIEU OF SUSPENSION; REPEALING SECTION 23-1335, IDAHO CODE, RELATING TO PROVISIONS GOVERNING THE COUNTY OPTION KITCHEN AND TABLE WINE ACT; AMENDING SECTION 23-1336, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 23-1338, IDAHO CODE, TO PROVIDE THAT WINERIES SHALL NOTIFY THE ADMINISTRATOR PRIOR TO CERTAIN SPONSORED EVENTS, TO PROVIDE FOR RESPONSE BY THE ADMINISTRATOR AND TO PROVIDE FOR THE EFFECT OF AN APPROVAL; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 54, TITLE 54, IDAHO CODE, TO PROVIDE FOR THE IDAHO DIVISION OF ALCOHOL BEVERAGE LICENSING AND REGULATION, TO PROVIDE A SHORT TITLE, TO DECLARE POLICY, TO PROVIDE POWERS AND DUTIES AND TO PROVIDE FOR THE ALCOHOL BEVERAGE LICENSING AND REGULATORY FUND; AMENDING SECTION 18-7803, IDAHO CODE, TO DELETE AND TO REVISE CODE REFERENCES; AMENDING SECTIONS 23-1312, 23-1406, 39-5502, 49-307 AND 67-7446, IDAHO CODE, TO REVISE CODE REFERENCES; AND PROVIDING SEVERABILITY.

[S 1147](#) and [S 1148](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 147](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 115](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 159](#), by Education Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 187](#), by Business Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 146](#), as amended, and [H 145](#), as amended, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 157](#), as amended, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

[S 1132](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 87](#), [H 103](#), [H 104](#), and [H 105](#), by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

[S 1129](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1082](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

Senator Stegner was recorded present at this order of business.

President Little assumed the Chair.

[S 1126](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1126](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1104](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 31.

NAYS—Bair, Keough, Siddoway. Total - 3.

Absent and excused—Mortimer. Total - 1.

Total - 35.

Whereupon the President declared [S 1104](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1131](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1131](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1127](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1127](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1133](#) was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Jorgenson, Lodge, McGee, McKague,



McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Winder. Total - 21.

NAYS--Andreason, Broadsword, Cameron, Coiner, Corder, Darrington, Goedde, Kelly, Keough, LeFavour, Sagness (Malepeai), Schroeder, Thorson (Stennett), Werk. Total - 14.

Total - 35.

Whereupon the President declared [S 1133](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Thursday, March 12, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary